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Message Text

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ACTION ARA-10

INFO OCT-01 IO-11 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 ARAE-00 /070 W
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P R 041528Z MAR 76
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 7494
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E. O. 11652: N/A
AGS: CI, PINT, SHUM
SUBJECT: HUMAN RIGHTS AND SUPREME COURT

REFS: (A) SANTIAGO 0756, (B) SANTIAGO 1479

1. CHILEAN SUPREME COURT PRESIDENT JOSE MARIA EYZAGUIRRE OPENED "JUDICIAL YEAR 1976" CEREMONY MARCH 1 WITH TRADITIONAL ANNUAL COVERAGE OF COURT ACTIVITIES, PERSONNEL PROBLEMS, ETC., AND GAVE CONSIDERABLE ATTENTION TO DEVELOPMENTS IN HUMAN RIGHTS AREA. HE REVIEWED AT LENGTH PROVISIONS OF DECREE LAW (DL) 1,009 OF MAY 1975 AND OF SUPREME CECREE (DS) 187 OF JANUARY30, 1976. (DL 1,009 ESTABLISHED GENERAL GUARANTEES OF RIGHTS OF POLITICAL DETAINEES, WHILE DS 187 PROVIDED OVERSIGHT GUIDELINES.)

2. EYZAGUIRRE SAID VERY LITTEL IN COMMENT UPON THE DECREES, LIMING HIMSELF PRIMARILY TO A REVIEW OF THEIR PROVISIONS. HE DID CLAIM HOWEVER THAT DS 187 (SEE REFTEL A) WAS "OF GREAT IMPORTANCE FOR SAFEGUARDING OF INTEGRITY AND DIGNITY OF PERSON AND DEMONSTRATED CONCERN OF GOVERNMENT THAT THOSE ESSENTIAL VALUES HAVE ADEQUATE PROTECTION."

3. HE ADDED THAT " IN PRESENT TIMES, TRADITIONAL IMAGES OF BANDIT
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AND REVOLUTIONARY HAVE COME TO BE CONFUSED . . . AND WE HAVE COME

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TO CALL BOTH TERRORISTS. EXISTENCE OF SPECIAL DISPOSITIONS FOR COMBATTING TERRORISM IS INDESPENSABLE BUT THESE DISPOSITIONS MUST ACCOMMODATE NECESSARY GUARANTEES FOR THE ACCUSED ".

4. ON MARCH 2 EYZAGUIRRE VISITED TRES ALAMOS DETENTION FACILITY IN SANTIAGO FOR SIX HOURS. PRESS REPORTS INDICATE HE SPOKE WITH MANY DETAINEES, BUT NO DETAILS WERE GIVEN.

5. MARCH 4 PRESS REPORTS THAT DYZAGUIRRE HAD LONG TALK WITH MINISTER JUSTICE SCHWEITZER ON MORNING MARCH 3, AND WILL GIVE CONFIDENTIAL WRITTEN REPORT ON HIS FINDINGS AT RES ALAMOS (AND ITS RESTRICTED SECTION CUATRO ALAMOS) TO SCHWEITZER WHO WILL PASS IT TO PRESIDENT PINOCHET. AUTHORITIES AT TRES ALAMOS GAVE FULL COOPERATION, ACCORDING DYZAGUIRRE. DYZAGUIRRE SAID HE WILL VISIT TRES ALAMOS AGAIN SOON. HE ADDED THAT HE AND SCHWITZER WILL DESIGNATE REPRESENTATIVES TO VISIT PUCHUNCAVI DETENTION CENTER IN VALPARAISO PROVINCE.

6. COMMENT: DS 187 GAVE BOTH DYZAGUIRRE AND SCHWEITZER AUTHORITY TO VISIT DETENTION CENTERS, ETC. WHILE EYZAGUIRRE HAS AT LEAST MADE PRELIMINARY INSPECTION, MINISTER JUSTICE SCHWEITZER HAS TO OUR KNOWLEDGE SAID LITTLE ABOUT AND DONE NOTHING WITH NEW AUTHORITY. SO FAR, WE HAVE NO INDICATION THAT ANY CONTROL WILL BE EXERCISED OVER INTERROGATION CENTERS, TO WHICH POLITICAL PRISONERS ARE TAKEN BEFORE THEY REACH DETENTION CENTERS. THESE WERE NOT MENTIONED IN DS 187, AND ARE TARGETS OF MOST COMPLAINTS. ATTORNEY FOR NEW VICARIATE OF SOLIDARITY (VS) (SUCCESSOR TO PEACE COMMITTEE) TOLD EMBOFF MARCH 3 THAT CUARTRO ALAMOS PRISONERS WERE BEING USED TO PAINT NOTORIOUS DINA VILLA GRIMALDI CENTER, WHICH WILL BE DISPLAYED TO INTERESTED OAS VISITORS IN JUNE AS "REST CENTER."

7. ON BALANCE, DYZAGUIRRE ACTIVITY IS HOPEFUL BEGINNING. WE CANNOT MAKE MEANINGFUL JUDGMENT ON ITS EFFECTS UNTIL WE LEARN FROM OUR VARIOUS SOURCES WHETHER ACTUAL PRACTICES OF GOC HAVE CHANGED -- A PROCESS WHICH WILL TAKE AT LEAST SEVERAL WEEKS. ATTORNEY FOR VS (PARA 6) CLAIMED THAT NO SIGNIFICANT IMPROVEMENT IN GOC HUMAN RIGHTS PRACTICES HAS YET BEEN NOTED.
POPPER

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